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PATENT
ATTORNEY DOCKET NO. 060326-5005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	Confirmation No. 1232
Katsutoshi NAGI et al.)	
)	Group Art Unit: 2876
Application No.: 10/089,937)	
)	Examiner: Allyson N. Trail
Filed: April 5, 2002)	
)	
For: COMMUNICATION DEVICE)	

Mail Stop Amendment

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

RESPONSE TRANSMITTAL FORM

1. Transmitted herewith is a Request for Reconsideration in response to the Office Action dated May 18, 2004.
2. Additional papers enclosed:
 - ☐ Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent
 - ☐ Drawings: ☐ Formal ☐ Informal (Correction)
 - ☐ Information Disclosure Statement
 - ☐ Form PTO-1449, _____ references included
 - ☒ Request to Change Attorney Docket Number
 - ☐ Declaration of Biological Deposit
 - ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.

☐ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$ 210.00
<input type="checkbox"/> three months	\$ 950.00	\$ 475.00
<input type="checkbox"/> four months	\$ 1,480.00	\$ 740.00

Extension of time fee due with this request: \$ 0.00.

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for _____ months has already been secured and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	15	minus	20	0	x \$18 each=	+ \$0.00
Independent Claims (37 C.F.R. §1.16(b))	2	minus	3	0	x \$86 each=	+ \$0.00
[] First presentation of Multiple dependent claim(s)					\$290.00	+ \$0.00
SUB-TOTAL =						\$0.00
Reduction by ½ for filing by a small entity						- \$0.00
TOTAL FEE =						\$0.00

6. Fee Payment

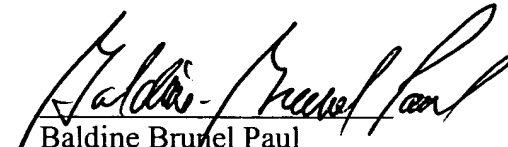
- ☒ No fee is to be paid at this time.
- ☐ The Commissioner is hereby authorized to charge the fee of **\$0.00** to Deposit Account No. 50-0310.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully Submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: August 18, 2004

By:


 Baldine Brunel Paul
 Registration No. 54,369

Customer No. 09629

MORGAN, LEWIS & BOCKIUS LLP

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Sir:

RESPONSE AND REQUEST FOR RECONSIDERATION

In response to the Office Action dated May 18, 2004, the period for response to which extends through August 18, 2004, reconsideration and withdrawal of the rejections set forth in the pending Office Action are respectfully requested.

Summary of the Office Action

In the Office Action dated May 18, 2004, claims 1, 4, 6, 8 and 11 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,195,053 to Kodukula et al. (hereinafter "Kodukula"). Claims 2 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kodukula in view of U.S. Patent Application Publication No. 2002/0068589 A1 to Gabou et al.

(hereinafter "Gabou"). Claims 3, 5, 7, 10, and 12-15 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

Summary of the Response to the Office Action

Applicants respectfully traverse these rejections and the Office Action's interpretation of the applied references, and respectfully request reconsideration of this application, withdrawal of all rejections, and the timely allowance of all pending claims. Applicants thank the Examiner for the indication of allowable subject matter in claims 3, 5, 7, 10, and 12-15.

All Claims Comply with 35 U.S.C. §§ 102(e) and 103(a)

Claims 1, 4, 6, 8 and 11 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Kodukula. Claims 2 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kodukula in view of Gabou. Claims 3, 5, 7, 10, and 12-15 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

Applicants respectfully submit that, in embodiments of the instant communication device as recited in independent claims 1 and 8, the communication device supplies electric power to a communication device partner and communicates therewith by electromagnetic induction on a non-contact basis. In contrast, the reader disclosed by Kodukula optically reads machine-readable codes such as bar codes, communicates by means of a radio wave, and does not supply electric power to a communication partner.

Moreover, Applicants respectfully submit that, in embodiments of the instant invention as recited in independent claims 1 and 8, electric circuits other than an antenna are enclosed in a first shielding member made of a material that shuts off, reflects, or absorbs radio waves. In contrast, in Kodukula, although a reading assembly housing 111 is provided as a shielding member as discussed at column 5, lines 54-56, the circuits outside the shielding member (for example I/O 620, μ P 614, RAM 616, TRIGGER 611, and RADIO 624) are not enclosed in the shielding member and, thus, not shielded against electromagnetic interference from the antenna 626.

Moreover, Applicants respectfully submit that, in embodiments of the instant invention as recited in independent claim 1, the antenna is enclosed in a second shielding member, a portion of which facing a front face of the antenna is made of a material that attenuates radio waves in a predetermined frequency band. Similarly, in embodiments of the instant invention as recited in independent claim 8, the antenna is enclosed in a shielding member that attenuates radio waves and the shielding member has an opening formed in a portion facing a front face of the antenna. In contrast, as discussed at column 7, lines 63-66 of Kodukula, and as depicted in FIG. 7, Kodukula merely discloses that the antenna 626 is enclosed in the housing 613. Kodukula does not teach or suggest either that the antenna is made of a material that attenuates light, or that the antenna has an opening formed in a portion facing a front face thereof.

In view of the foregoing remarks, Applicants respectfully submit that Kodukula does not teach or suggest each of the features of the instant invention as recited in independent claims 1 and 8. As pointed out in MPEP § 2143.03, “[to] establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490

F.2d 981, 180 USPQ 580 (CCPA 1974).” Thus, Applicants respectfully submit that independent claims 1 and 8 are in condition for allowance as not being anticipated by Kodukula.

Applicants respectfully submit that claims 2-7 and 9-15 are allowable for at least the same reasons as set forth above with regard to independent claims 1 and 8 upon which they depend, respectively, and for the additional features they each recite. Moreover, Applicants respectfully submit that Gabou fails to cure the deficiencies of Kodukula with regard to the 35 U.S.C. § 103(a) rejection of claims 2 and 9. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 1, 4, 6, 8 and 11 under 35 U.S.C. § 102(e), the rejections of claims 2 and 9 under 35 U.S.C. § 103(a), and the objections to claims 3, 5, 7, 10, and 12-15.

Conclusion

In view of the foregoing, Applicants respectfully request reconsideration, withdrawal of all rejections and objections, and the timely allowance of all pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

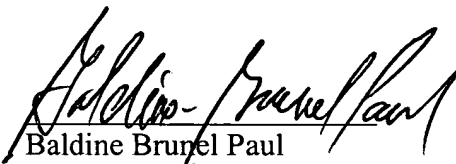
If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: August 18, 2004

By:


Baldine Brunel Paul
Registration No. 54,369

Customer No. 09629

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